

February 8, 2021

The Honorable Patrick Leahy, President Pro Tempore  
The Honorable Charles Schumer, Majority Leader  
United States Senate

The Honorable Jamin Raskin  
The Honorable Diana DeGette  
The Honorable David Cicilline  
The Honorable Joaquin Castro  
The Honorable Eric Swalwell  
The Honorable Ted Lieu  
The Honorable Stacey Plaskett  
The Honorable Madeleine Dean  
The Honorable Joe Neguse  
United States House of Representatives

Dear Senator Leahy, Senator Schumer, and Representatives Raskin, DeGette, Cicilline, Castro, Swalwell, Lieu, Plaskett, Dean, and Neguse,

We write with grave concern that your plans for the forthcoming impeachment trial of Donald J. Trump, the 45th President of the United States, do not currently include live witness testimony. We urge you to reconsider. The Senate, and the nation as a whole, need to hear from witnesses who can testify not only about the violent attack on the U.S. Capitol on January 6th, but also about Trump's actions leading up to that attack.

The House managers must present a compelling factual case that will help convince Senators who may be reluctant right now to convict Trump and disqualify him from future federal office. The most compelling case cannot be presented entirely by pre-recorded video. Furthermore, relying exclusively on video evidence makes it easier for Trump's defenders to shift the focus from the enormity of his actions and their consequences to the false claim that the Senate lacks jurisdiction to try a president no longer in office.

Witnesses that the Senate, and the American people, need to hear from include some or all of the following:

- Georgia Secretary of State Brad Raffensperger, whom Trump pressured to "find 11,780 votes" just days before the insurrection, and who can testify about that conversation.

- Victims of the attack, including Members of Congress, their aides, and ordinary Capitol staff (including service workers) who can describe the attack, how they were impelled to shelter-in-place or flee, and damage caused to their offices and facilities.
- Officers of the Capitol Police who were attacked by the crowd that Trump incited, who can testify about the details of the attack, the severity of the force used by the insurrectionists, the immediate and lasting injuries they suffered from the battle, and the extent to which the insurrectionists identified their actions as incited by Trump.
- President Trump himself, via a subpoena, if necessary.

Just one year ago, at President Trump’s first impeachment trial, many Senators rightly denounced the very idea of an impeachment trial without any witnesses. Their remarks included:

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| Chuck Schumer      | “To not allow a witness...in an impeachment trial is a perfidy. It’s a grand tragedy, one of the worst tragedies that the Senate has ever overcome. America will remember this day unfortunately, where the Senate did not live up to its responsibilities, where the Senate turned away from truth and went along with a sham trial.” ( <a href="#">Jan. 31, 2020</a> ) |
| Patrick Leahy      | "A trial verdict with ZERO relevant witnesses? Sounds like Wonderland, right? Wrong. EVEN IN WONDERLAND, the King ultimately allowed witnesses before the verdict." ( <a href="#">Jan. 29, 2020</a> )  |
| Richard Blumenthal | "I am deeply disappointed that we will not have witnesses & documents at this stage of the trial—a violation of fundamental fairness that should not be permitted." ( <a href="#">Jan. 22, 2020</a> )  |
| Dianne Feinstein   | "If the Senate doesn’t call on John Bolton to testify, it will become even more clear to all Americans that this trial was never intended to be legitimate. A trial without documents or witnesses isn’t a trial at all." ( <a href="#">Jan. 27, 2020</a> )  |
| Mazie Hirono       | "In order to have a fair trial, we need -<br>✓ witnesses<br>✓ documents" ( <a href="#">Jan. 23, 2020</a> )   |
| Tim Kaine          | "It's not just lawyers who know that real trials involve documents and witnesses. Any American who's seen Law & Order knows what goes on in a courtroom. And if we don't vote to allow documents and witnesses today, it's not a trial — it's a sham." ( <a href="#">Jan. 31, 2020</a> )   |

Kamala Harris "This is a trial. Frankly, any arguments against seeing evidence and firsthand witnesses completely lack merit." ([Jan. 29, 2020](#))

Kirsten Gillibrand "The Senate and the American people deserve to hear from ALL relevant witnesses—and see all of the relevant evidence—at President Trump’s trial. Anything less is a cover-up." ([Jan. 29, 2020](#))

Bernie Sanders "I've never heard of a trial where you don't have witnesses." ([Jan. 31, 2020](#))

Jeff Merkley "A trial without witnesses and documents is not a fair and full trial...I'll be introducing legislation to make sure this never happens again." ([Feb. 5, 2020](#))

Cory Booker "A trial without witnesses is a disgrace to the very ideals upon which this nation was founded." ([Jan. 31, 2020](#))

Tammy Duckworth "I don't see how you can have a fair trial without witnesses. As I've heard one of my colleagues say, 'trials have witnesses, coverups don't.'" ([Jan. 20, 2020](#))

Richard Durbin "A fair trial, everyone understands, involves evidence. Evidence involves documents and witnesses." ([Jan. 19, 2020](#))

Michael Bennet "We have to demand witnesses. We have to demand evidence. We have to demand a fair trial." ([Jan. 30, 2020](#))

Ben Cardin "The public understands that a trial anywhere in the United States of America includes evidence and witnesses. ... The Senate must correct itself and allow evidence to be submitted and for witnesses with direct knowledge of the events to testify under oath, subject to cross examination. It is the right thing to do and, in fact, it is required." ([Jan. 29, 2020](#))

Sherrod Brown "Every other impeachment proceeding in the Senate had witnesses. Some of them had dozens.... This is a sham trial." ([Feb. 5, 2020](#))

Bob Casey "In the history of the United States, the Senate has never conducted a trial without witnesses." ([Jan. 31, 2020](#))

Susan Collins "I believe hearing from certain witnesses would give each side the opportunity to more fully and fairly make their case, resolve any ambiguities, and provide additional clarity." ([Jan. 30, 2020](#))

Bob Menendez "A trial that lacks witnesses and documents is not a fair trial." ([Feb. 5, 2020](#))

Chris Murphy "There has never ever been a trial in the history of the United States Senate – remember the Senate impeaches not just presidents, but

	judges as well – that did not have witnesses. And in fact, almost every trial that has occurred in the Senate has included witnesses that were not called before the House. Why? Because the Senate has an independent responsibility to get to the truth.” ( <a href="#">Jan. 30, 2020</a> )
Tom Carper	“No relevant witnesses. ... The American people deserve better than this. They deserve the whole truth.” ( <a href="#">Jan. 31, 2020</a> )
Joe Manchin	“As Senators, our votes on the articles of impeachment will be among the most consequential votes we ever make. That’s why it’s so important that we ... hear from witnesses from both sides who have relevant first-hand information.” ( <a href="#">Jan. 29, 2020</a> )
Jeanne Shaheen	“Witnesses have been a part of every Senate impeachment trial in history and this vote [to reject witnesses] sets a very dangerous precedent. In no way can this be understood as a fair trial.” ( <a href="#">Jan. 31, 2020</a> )
Maggie Hassan	“There is no defensible reason to prevent the Senate and the American people from ... hearing from witnesses with firsthand knowledge of the President’s actions. This is far from a full and fair trial - and a sad abdication of the Senate’s Constitutional duties.” ( <a href="#">Jan. 31, 2020</a> )
Debbie Stabenow	“A fair trial requires all relevant witnesses and evidence. If President Trump’s staff has evidence of his innocence, he would have insisted that we hear from them, as we should.” ( <a href="#">Jan. 31, 2020</a> )
Sheldon Whitehouse	“Trials require witnesses; cover-ups don’t.” ( <a href="#">Jan. 8, 2020</a> )
Jack Reed	“Tonight, Senate Republicans voted to deny firsthand witnesses & relevant evidence. In doing so, they voted to deny the American people an opportunity to hear & see critical facts. But more evidence emerges every day. We’ve got to keep working to bring the truth to light.” ( <a href="#">Jan. 31, 2020</a> )
Ed Markey	“The House Managers have made a compelling case, based on facts and evidence. They have placed a heavy burden on the President’s legal team to do much more than they did on day one, and respond to this evidence and the gaps in it that point to the need for documents and witnesses.” ( <a href="#">Jan. 23, 2020</a> )
Tina Smith	“Large majorities of Americans will be asking, ‘what kind of a trial was that, with no witnesses?’” ( <a href="#">Jan. 31, 2020</a> )
Chris Van Hollen	“Remember: No witnesses = sham trial = mistrial = no legitimate

- outcome ..." ([Feb. 3, 2020](#))
- Maria Cantwell "We should all be able to agree on facts. In order to do that, we need to have a trial that includes seeing the evidence and hearing from witnesses with firsthand knowledge who have not testified." ([Jan. 21, 2020](#))
- Angus King "The Senate's decision to ignore witnesses is nothing less than an abdication of our responsibilities, an asterisk on these proceedings, and a stain on our institution." ([Jan. 31, 2020](#))
- Chris Coons "I'm a lawyer, and here's what I know: Trials have witnesses..." ([Jan. 21, 2020](#))
- Brian Schatz "A fair trial means having witnesses and documents. There's no excuse for us not to hear from ... anyone else at the scene of the crime." ([Jan. 29, 2020](#))
- Amy Klobuchar "If you don't have witnesses, you do not have a fair trial." ([Jan. 31, 2020](#))
- Ron Wyden "A trial without witnesses isn't a trial. It's a cover-up." ([Jan. 31, 2020](#))
- Patty Murray "By refusing to allow key documents and witnesses, Senate Republicans have turned this trial into a cover-up. This is a tragedy in so many ways, it will forever impact this institution and the nation, and they will own it." ([Jan. 31, 2020](#))

They were right back then. President Trump has been impeached on the most serious charge ever levied against a president: that he incited an insurrection against the United States. For the sake of presenting the full case to the Senate and to the American people, the trial must include witnesses to Trump's high crimes and misdemeanors.

Sincerely,

Free Speech For People  
Equal Justice Society  
Mainers for Accountable Leadership  
March for Truth  
Progressive Democrats of America  
Revolving Door Project